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MEETING OF THE PARTIES TO THE CONVENTION
ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT

Working Group on Environmental Impact Assessment

Twelfth meeting
Geneva, 11–13 May 2009

**REPORT OF THE WORKING GROUP ON ENVIRONMENTAL IMPACT
ASSESSMENT ON ITS TWELFTH MEETING**

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I. INTRODUCTION

1. The twelfth meeting of the Working Group on Environmental Impact Assessment (EIA), under the Convention on EIA in a Transboundary Context was held from 11 to 13 May 2009 in Geneva.

A. Attendance

2. The meeting was attended by delegations from the following Parties to the Convention and other member States of the United Nations Economic Commission for Europe (UNECE): Albania, Armenia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania, Netherlands, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. Representatives of the European Commission also attended. Iraq and Mongolia, as States Members of the United Nations, were also represented.

3. Representatives of the United Nations Environment Programme Regional Office for Europe (UNEP/ROE) and the Convention secretariat attended the meeting. One other intergovernmental organization was represented: the European Bank for Reconstruction and Development (EBRD). One regional environmental centre was represented: the Regional Environmental Center for Central and Eastern Europe (REC-CEE). The following non-governmental organizations (NGOs) were represented: Caucasus Environmental NGO Network (CENN), Eco-Globe (Armenia), ECOTERRA (Russian Federation), European ECO-Forum, Independent Ecological Expertise (Kyrgyzstan), Sustainable Development Society (Azerbaijan) and the Universities of Berne, Lapland and Zurich. Two commercial firms were invited by the Bureau to attend as observers: Gaz-System S.A. and Nord Stream AG.¹

B. Organizational matters

4. The Chair of Working Group on EIA, Mr. A. Vesic (Serbia), opened the meeting.

5. The Director of the Environment, Housing and Land Management Division of the United Nations Economic Commission for Europe (UNECE) welcomed delegations to the meeting.

6. The Working Group adopted its agenda (ECE/MP.EIA/WG.1/2009/1), which had been prepared by the secretariat in agreement with the Bureau.

7. **The Working Group repealed its decision taken at its tenth meeting that Nord Stream did not qualify as an observer under rule 7 of the rules of procedure of the Convention** (adopted in decision I/1, ECE/MP.EIA/2, annex I) **because it was a private company** (ECE/MP.EIA/WG.1/2007/2, para. 21). The Working Group welcomed representatives of Nord Stream to the seminar on large-scale projects that was to be held the following day. **Furthermore, the Working Group considered that rule 7 should be**

¹ Mention of any commercial firm in this report does not imply endorsement by the United Nations.

interpreted in a constructive manner taking into account the context of each specific case, and invited the Bureau to prepare for its next meeting a proposal to amend or interpret, as appropriate, rule 7 with the aim that private companies, developers and others be treated as observers upon invitation by the Bureau. The Working Group also agreed that such a proposal should be used by the secretariat as guidance in the period leading up to the next Meeting of the Parties.

II. STATUS OF RATIFICATION OF THE CONVENTION, ITS AMENDMENTS AND ITS PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

8. The secretariat informed the meeting about the status of ratification of the Convention, its amendments and its Protocol. Delegations reported on recent or planned ratifications of these instruments.

9. The Chair then invited member States that were not Parties to the Convention to report on their preparations for their ratification and implementation of the Convention, and to identify measures to support to their ratification. The representative of Uzbekistan reported that the Convention was being considered by the President of Uzbekistan, with Government of Uzbekistan already having accepted the principles of the Convention. She was confident that the Convention would be ratified by the end of 2009.

10. Five States indicated tentatively that they expected ratification of the Protocol by the end of 2009 (Croatia, Hungary, Poland, Portugal and Romania) and a further five in the first half of 2010 (Belgium, Netherlands, Serbia, Spain and United Kingdom).

11. On the basis of this information, the Working Group agreed that neither the third meeting of the Signatories to the Protocol nor the thirteenth meeting of the Working Group would be held in 2009. The Working Group requested the Bureau to decide on the timing of the third meeting of the Signatories, to be held in 2010, depending on the rate of ratification. The Bureau was expected to provide early information to member States once a decision had been taken.

12. The Working Group asked the Bureau to prepare drafts of decisions for consideration by the third meeting of the Signatories and subsequently, as appropriate, by the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

III. COMPLIANCE WITH AND IMPLEMENTATION OF THE CONVENTION

13. The Chair of the Implementation Committee reported on this activity. He presented the report of the Committee's fifteenth session (ECE/MP.EIA/IC/2008/2) and the outcomes of the Committee's sixteenth session.

14. The Chair of the Committee highlighted the Committee's decision that the caution to the Government of Ukraine foreseen in decision IV/2 (ECE/MP.EIA/10) should not become effective (ECE/MP.EIA/IC/2008/2, para. 34), while also noting that the decision taken by the Meeting of the Parties was open to interpretation. He reported that the Committee had reminded

the Government of Ukraine that the Committee's findings (decision IV/2, annex I), as endorsed by the Meeting of the Parties (decision IV/2, para. 7), meant that no further works should be undertaken for phase I of the Bystroe Canal Project without taking steps to comply with the relevant provisions of the Convention (ECE/MP.EIA/IC/2008/2, para. 28). He also noted that the Committee had later received information that works had reportedly continued within both phases I and II of the Project, so the Committee had decided to ask the Government of Ukraine to provide additional information on this matter (ECE/MP.EIA/IC/2009/2, paras. 10–18). The Government of Ukraine had responded to its enquiry and the Committee would consider the matter further at its next session, to be held in September 2009.

15. The Chair of the Committee informed the meeting that the independent review of the legal, administrative and other measures taken by the Government of Ukraine to implement the Convention's provisions, as foreseen by the Meeting of the Parties (decision IV/2, para. 11), had been drafted. The review was to be finalized by the end of May 2009. The review was expected to form the basis for the Government of Ukraine's strategy to bring about compliance with the Convention (decision IV/2, para. 12).

16. The Chair of the Committee then informed the Working Group that a consultant had been hired and had begun work to provide technical assistance to the Government of Armenia in drafting the necessary legislation to ensure full implementation of the Convention, as foreseen by the Meeting of Parties (decision IV/2, paras. 16–17).

17. Further, the Chair of the Committee reported that Ukraine had made a submission to the Committee on 6 March 2009, having concerns about Romania's compliance with its obligations under the Convention. The Committee was expecting to consider the submission at its next session.

18. The Chair of the Committee described the Committee's consideration of general and specific compliance issues identified in the second review of implementation (decision IV/1, para. 4). He also described the Committee's receipt of information regarding possible non-compliance by Parties provided by NGOs and the secretariat and further to rule 15, paragraph 1 (b), of the Committee's operating rules (decision IV/2, annex IV). The Committee had sought clarification from Parties on these issues and this information.

19. **The Working Group took note of the above information provided by the Chair of the Committee.**

20. The delegations of Romania and Ukraine then made statements regarding the application of the Convention to the Bystroe Canal Project. The Chair of the Working Group did not open this matter for discussion as it was within the mandate of the Implementation Committee.

21. The Chair of the Implementation Committee reminded the Working Group of the findings of the second review of implementation, as set out in paragraph 3 of decision IV/1 (ECE/MP.EIA/10). Delegations were invited to report on how Parties had responded to these findings, which the Committee was taking into account in its work. **The meeting took note of the findings.**

22. The Chair of the Committee then presented a draft of the questionnaire on the implementation of the Convention in the period 2006–2009 for consideration by the Working Group, as required by the workplan adopted in decision IV/7 (ECE/MP.EIA/10). Responses to the questionnaire were to form the basis for the third review of implementation.

23. The Chair of the Committee explained that the findings of the second review of implementation had been reflected in the revised questionnaire. The revised questionnaire would ask what Parties were doing to address these issues, or to explain why no action was envisaged.

24. **The Working Group agreed on the questionnaire and decided that it should be provided in annex to this report (annex I). The Working Group also agreed a detailed timetable for the submission of completed questionnaires, and for the generation of the subsequent draft third review of implementation (annex II).**

25. The Working Group agreed that a decision would be taken at its next meeting regarding the possible establishment of a small group to assist in the drafting of third review of implementation.

IV. SUBREGIONAL COOPERATION AND CAPACITY-BUILDING

26. The delegations of Bulgaria and the Republic of Moldova reported on subregional workshops hosted by the two countries in November 2008 for South-Eastern Europe and Eastern Europe, respectively. As requested by the Meeting of the Parties (decisions IV/4 and IV/5, ECE/MP.EIA/10) the two Parties, with the support of the secretariat, had prepared short summaries of the findings of each workshop held (ECE/MP.EIA/WG.1/2009/3). A short awareness-raising paper on the relationship between EIA and strategic environmental assessment (SEA), as prepared in the South-Eastern Europe workshop, had been included in annex to the summaries.

27. The representative of Kyrgyzstan reported on a pilot project in that country involving Kazakhstan as the affected Party, and on a concluding workshop held in Bishkek in March 2009. She noted that the most important aspect of the pilot project had been the cooperation between the Parties.

28. The delegation of Switzerland reported on its support of a capacity development programme in Central Asia and Azerbaijan, with half of the six national capacity development workshops having already been held. The workshops had proven very useful for the implementation of the Convention in these States. A subregional conference had been planned in 2010 to finalize the programme.

29. **The Working Group welcomed the reports by Bulgaria, Kyrgyzstan, Republic of Moldova and Switzerland. The Working Group also took note of information provided regarding further subregional cooperation and capacity-building activities foreseen in the workplan (decision IV/7):**

(a) The secretariat reported that a workshop would be held in June 2009 in Minsk to initiate a pilot project in Belarus, with the expected involvement of Lithuania and the Russian Federation;

(b) The delegation of Georgia reported that all three States of the Caucasus subregion would be invited to participate on an equal footing in a subregional workshop to be held in Tbilisi in autumn 2009;

(c) The delegation of Romania indicated that it planned to hold a workshop for the Black Sea subregion in 2010, taking into account the outcome of the seminar on large-scale transboundary projects (see chapter V, section A below);

(d) The secretariat informed the meeting that it had had great difficulties contacting the Government of Morocco regarding a workshop for the Mediterranean subregion and that it would ask the Government of Tunisia whether it would be willing to host the workshop instead;

(e) The delegation of Sweden announced that a first workshop for the Baltic Sea subregion would be held in Vilnius from 22 to 23 October 2009, and that a second workshop would be held in autumn 2010;

(f) The representative of UNEP/ROE reported on work under the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, including training workshops and development of a protocol on transboundary EIA to that Convention. She looked forward to further collaboration on transboundary EIA in the Caspian Sea subregion.

30. The Working Group welcomed the offer by the European Commission to translate the EIA and SEA Directives² of the European Union into Russian.

31. The delegation of Romania, the depository for the multilateral agreement signed by ministers from South-Eastern Europe during the fourth meeting of the Parties, reported on the status of the agreement. Of the seven signatory States, only Bulgaria had approved the agreement (on 23 January 2009). The delegations of Albania, Croatia, Romania and Serbia reported on their expectations regarding accession or ratification.

V. EXCHANGE OF GOOD PRACTICES

A. Large-scale transboundary projects

32. As foreseen in the workplan (decision IV/7), the European Commission had organized, with the support of the secretariat, a one-day seminar on large-scale projects involving several countries. The seminar was held on 12 May 2009, with the morning session dedicated to Nord Stream's planned gas pipelines in the Baltic Sea (speakers from Denmark, Finland, Germany,

² Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directives 97/11/EC of 3 March 1997 and 2003/35/EC of 26 May 2003, and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, respectively.

Sweden, Gaz-System S.A. and Nord Stream AG) and the afternoon session examining experiences and good practices related to other large-scale transboundary projects (speakers from Denmark, Sweden, EBRD, University of Lapland and Gaz-System S.A.). The secretariat presented its note on the application of the Convention to complex activities, including large-scale transboundary projects (ECE/MP.EIA/WG.1/2009/4). **The Working Group welcomed the note and the recommendations made therein.**

33. A representative of the European Commission, who acted as chair of the seminar, drew conclusions from the presentations and discussions in the seminar. He considered that the concerned States had learned from their experiences in the activities presented, and that good practice was developing. He emphasized the importance of good cooperation and coordination, the use of new means of communication, and public participation. There was a continuing need to build the competence of authorities, developers and stakeholders for such activities.

34. **The Working Group thanked the European Commission for organizing the seminar and the speakers for their valuable contributions. The Working Group asked the secretariat to place the presentations on the Convention's website.**

35. The delegation of the Russian Federation indicated that, subject to confirmation, with the support of the European Commission and others it would hold a workshop to review experiences in the application of the Convention to the Nord Stream project. The workshop would be held late in 2009 or early in 2010. In addition, the European Commission indicated that it would support, through the co-financing of participants, the initiative for a possible workshop in Romania in 2010 (see para. 29 (c)).

36. **The Working Group decided to establish the Task Force on Complex Activities, which would begin its work in 2010 by examining the need for detailed recommendations on the application of the Convention to complex activities. This examination would be based on the presentations and discussions during the seminar and on a note by the secretariat. If the Task Force concluded that detailed recommendations were needed, it would then draft them, taking into account: (a) lessons learned from past experiences in the application of the Convention; and (b) existing guidance prepared under the Convention. The Task Force would focus in particular on joint EIA of large-scale transboundary activities, further to appendix VI, paragraph 2 (g), of the Convention. The recommendations would be considered by the Working Group and later by the Meeting of the Parties.**

37. The delegations of Georgia, Romania, Ukraine, the European Community and, subject to confirmation, the Russian Federation indicated that they would be members of the Task Force. Further European Union Member States might agree their participation in the Task Force after the holding of the Baltic Sea subregional workshop in October 2009. **The Working Group agreed that NGOs would be invited by the Task Force on a case-by-case basis to assist in the work of the Task Force.** CENN, Ecoterra, Independent Ecological Expertise and, subject to confirmation, REC-CEE expressed their interest in participating. **The Working Group agreed that other NGOs with relevant experience could be invited as appropriate.**

B. Other activities foreseen in the workplan

38. A representative of EBRD reported on progress with the preparation of a checklist for financial institutions on projects with transboundary impacts, as foreseen in the workplan. **The Working Group welcomed the work done by EBRD and took note of the checklist, considering it to be a useful tool. The Working Group asked the secretariat to place the checklist and the presentation by EBRD on the Convention's website.**

39. **The Working Group decided that up to two half-day seminars would be held back-to-back with its next meeting.** The first seminar would be on large-scale projects, as follow-up to the planned workshops in Moscow and in Romania (see para. 35) and with the support of the European Commission.

40. The second seminar would be on climate change and EIA. **The Working Group asked the Bureau, with the support of the secretariat, to identify a lead country and financial support for the seminar.** In line with the workplan (decision IV/7), the secretariat of the United Nations Framework Convention on Climate Change would be invited to participate.

41. The delegations of Bulgaria and Croatia withdrew their proposal that the Working Group consider the difficulties arising from interaction between the application of the Convention and of the European Union Birds and Habitats Directives³.

VI. PROMOTING RATIFICATION AND APPLICATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

42. The secretariat reported on the organization by the United Nations Development Programme of a subregional training workshop on SEA for the countries of South-Eastern Europe, held from 22 to 26 September 2008 in Prague. The workshop was one in a long series of courses being held around the world that was based on guidance on SEA in development cooperation prepared under the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD/DAC). The secretariat highlighted the point that the materials used at the Prague workshop had been supplemented by the UNECE and REC-CEE draft resource manual to support application of the Protocol on SEA.

43. The secretariat reminded the Working Group that the draft resource manual was available on the Convention's website and that it was awaiting a decision on its status by the first meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol. The secretariat also drew the meeting's attention to the advisory notes on SEA and climate change adaptation, ecosystem services, post-conflict situations and disaster risk reduction which supplement the OECD/DAC guidance.

³ Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

44. The representative of Slovenia reported on preparations for two national awareness-raising workshops, one in South-Eastern Europe and one in Central Asia, to be held in the first half of 2010. Slovenia expected to cooperate with Kyrgyzstan and Tajikistan on this activity.

45. **The Working Group took note of the information provided by Slovenia and the secretariat.**

VII. BUDGET AND FINANCIAL ARRANGEMENTS

46. **The Working Group took note of the biannual financial report for the period to 31 December 2008 (decision IV/8, para. 9) and the list of contributions received up to 15 April 2009, as presented by the secretariat.**

47. The Chair informed the Working Group about the Bureau's actions to encourage further contributions to the trust fund of the Convention, further to paragraphs 2 (c), 7 and 8 of decision IV/8 (ECE/MP.EIA/10). He told the meeting that the Bureau had, in accordance with the decision on the budget, been writing to Parties that had not so far pledged anything or that had only committed limited funds or in-kind contributions. The letters had urged the Parties concerned to make, or raise, their financial contributions. **The Working Group welcomed the efforts by the Bureau to encourage more and larger contributions to the trust fund.**

VIII. FINANCIAL ASSISTANCE TO REPRESENTATIVES OF COUNTRIES WITH ECONOMIES IN TRANSITION, NON-GOVERNMENTAL ORGANIZATIONS AND COUNTRIES OUTSIDE THE REGION

48. The Chair listed the NGOs whose experts had been provided with financial support for their participation at the meeting. The Chair also informed the Working Group of the preparation of a list NGOs whose designated experts would receive financial assistance for their participation in future meetings under the Convention and under its Protocol (decision IV/9, para. 5, in ECE/MP.EIA/10). The Bureau had addressed an open invitation for NGOs to submit information on themselves. The letter had been sent to 11 NGOs that had been active in the past in meetings under the Convention. The letter was available on the Convention's website. By the deadline of 31 March, the Bureau had received 11 replies. He indicated that, on the basis of this information, the Bureau would in the coming months draw up the list of NGOs. The Bureau would report to the Working Group's next meeting.

49. In addition, the Chair reported on support being provided to representatives and experts from two States outside the UNECE region (decision IV/9, para. 6): Iraq and Mongolia. The Bureau had agreed to provide financial support for a representative of China, but there had not been a response to the invitation.

50. **The Working Group took note of the decisions by the Bureau regarding financial support to NGOs and to States from the UNECE region for the meeting, as well as of the expected selection of NGOs to be represented at future meetings.**

51. The Chair proposed a mechanism for promoting greater participation of NGOs in work under and the application of the Convention, based on the invitation of the Meeting of the Parties

to “civil society and all stakeholders to continue to assist with and contribute to the development and implementation of the Convention and the preparations for the implementation of the Protocol” (ECE/MP.EIA/6, annex XIII, Cavtat Declaration). The Bureau had been concerned that NGOs in Parties to the Convention might not have been fully aware of their rights under the Convention and of the possibilities that the Convention provided for public participation in governmental decision-making. The Bureau therefore wished to encourage national activities that raised awareness of the Convention and developed the capacity of NGOs to apply the Convention.

52. The Working Group agreed that the Bureau should write to focal points regarding the strengthening of the involvement of NGOs in work under the Convention, having suggested some amendments to a draft text prepared by the Bureau.

53. The Working Group took note of a report by the secretariat on the results of its travel outside the UNECE region. The travel had been to the Republic of Korea, with no cost to the Convention’s trust fund.

IX. OTHER BUSINESS

54. The Working Group took note of information provided by the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) regarding bodies established or being established to address the implementation of that Convention’s provisions on public participation in decision-making.

55. The Working Group noted that this meeting would be the last involving all member States for which Mr. Wiek Schrage would serve as Secretary to the Convention. The meeting thanked Mr. Schrage for his enthusiasm, inclusiveness, commitment and all his hard work throughout the life of the Convention, from 1987, through its negotiation, signature and adoption, entry into force and promotion of its wider application. The Working Group wished him a healthy and fulfilling retirement from the secretariat.

X. PRESENTATION OF THE MAIN DECISIONS TAKEN AND CLOSING OF THE MEETING

56. The Working Group agreed on the main decisions taken at the meeting and agreed that its next meeting would be held from 17 to 19 May 2010 in Geneva. The Chair closed the meeting on Wednesday, 13 May 2009.

Annex I

Questionnaire on the implementation of the Convention

QUESTIONNAIRE FOR THE REPORT OF [COUNTRY] ON THE IMPLEMENTATION OF THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT IN THE PERIOD 2006–2009

Information on the focal point for the Convention:

Name and contact information.

Information on the point of contact for the Convention:

Name and contact information (if different from above).

Information on the person preparing the report:

- (a) Country;
- (b) Surname;
- (c) Forename;
- (d) Institution;
- (e) Postal address;
- (f) E-mail address;
- (g) Telephone number;
- (h) Fax number.

Date on which report was completed.

PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).
2. Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):
 - (a) Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;
 - (b) Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;
 - (c) List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;
 - (d) Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?
4. Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).

6. Please describe:

(a) The legislation and, where appropriate, the procedures your country would apply to determine that an “activity”, or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);

(b) How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);

(c) How a change to an activity is considered as a “major” change;

(d) How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).

PUBLIC PARTICIPATION

7. Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?

Article 3 Notification

QUESTIONS TO PARTY OF ORIGIN

8. Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)?

9. Does your country provide any information to supplement that required by article 3, paragraph 2?

10. Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?

11. Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?

12. Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?

13. How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?

14. Please describe:

(a) How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;

(b) How your country identifies, in cooperation with the affected Party, the “public” in the affected area;

(c) How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;

(d) Whether the notification to the public of the affected Party has the same content as the notification to your country’s public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?

15. Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?

QUESTIONS TO AFFECTED PARTY

16. Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.

17. When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6).

18. Please describe:

(a) How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;

- (b) How your country identifies the “public” in the affected area;
- (c) How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;
- (d) At what stage in the EIA procedure does your country normally notify its public?

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

- 19. What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?
- 20. Describe your country’s procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).
- 21. How does your country identify “reasonable alternatives” in accordance with appendix II, paragraph (b)?
- 22. How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?
- 23. Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?
- 24. How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?
- 25. Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?
- 26. What material does your country provide, together with the affected Party, to the public of the affected Party?
- 27. Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?

QUESTIONS TO AFFECTED PARTY

28. Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2).
29. How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?
30. Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?

Article 5 Consultations

QUESTIONS TO PARTY OF ORIGIN

31. At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?
32. On what level does your country arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means does your country usually communicate in consultations, for example by meeting, or by exchange of written communications?

QUESTIONS TO AFFECTED PARTY

33. On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?

Article 6 Final decision

QUESTIONS TO PARTY OF ORIGIN

34. For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also

provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?

35. How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?
36. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?
37. How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)
38. If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)

Article 7 **Post-project analysis**

39. How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?
40. Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?

Article 8 **Bilateral and multilateral agreements**

41. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.
42. Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?

Article 9 **Research programmes**

43. Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.

RATIFICATION OF THE AMENDMENTS TO THE CONVENTION AND OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

44. If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?
45. If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?
46. If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?
48. Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)
49. Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.
50. Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.

52. How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?

53. Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.

(a) How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;

(b) Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;

(c) What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;

(d) Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;

(e) How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country’s experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);

(f) Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;

(g) Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;

(h) Has your country carried out post-project analyses and, if so, on what kinds of project?;

(i) Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);

(j) Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?

(k) Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).

COOPERATION BETWEEN PARTIES IN 2006–2009

54. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:

- (a) Guidance on public participation in EIA in a transboundary context;
- (b) Guidance on subregional cooperation;
- (c) Guidelines on good practice and on bilateral and multilateral agreements.

CLARITY OF THE CONVENTION

56. Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.

AWARENESS OF THE CONVENTION

57. Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.

58. Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?

SUGGESTED IMPROVEMENTS TO THE REPORT

59. Please provide suggestions for how this report may be improved.

Annex II**Detailed timetable for the submission of completed questionnaires, and for the generation of the subsequent draft third review of implementation**

Task	Responsibility	Time schedule
Distribution of blank questionnaire to the Parties to the Convention	Secretariat	On issue of the present report
Filling of questionnaires with responses from previous reports and distribution of the questionnaire to the Parties to the Convention	Secretariat	By 30 September 2009
Completion and return of completed questionnaires	Parties to the Convention	By 30 June 2010
Preparation of draft third review of implementation	Secretariat	By 31 August 2010
Consideration of draft third review of implementation	Committee	31 August–2 September 2010 (Committee session)
Revision, as necessary, of draft third review of implementation	Secretariat	By mid-October 2010
Translation into Russian of key findings	Russian-speaking Committee members	By 31 October 2010
Consideration of draft third review of implementation	Working Group	22–24 November 2010 (Working Group meeting)
Revision, as necessary, of draft third review of implementation	Secretariat	By mid-December 2010
Checking of revised draft third review of implementation	Bureau	By mid-January 2010
Preparation of draft third review of implementation as an official document, in the three official languages	Secretariat	In February 2010
Consideration of draft third review of implementation	Meeting of the Parties	May 2011 (fifth session)
